

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CHARLES H. EWELL,

Plaintiff,

-v-

**MONTGOMERY COUNTY COMMON
PLEAS COURT,**

Defendant.

Case No. 3:13-cv-214

Judge Thomas M. Rose

**ENTRY AND ORDER GRANTING EWELL’S MOTION FOR LEAVE TO
FILE AN AMENDED COMPLAINT (Doc. #9); FINDING MONTGOMERY
COUNTY COMMON PLEAS COURT’S MOTION TO DISMISS (Doc. # 8)
MOOT AND GIVING EWELL UNTIL NOT LATER THAT FIFTEEN
DAYS FOLLOWING ENTRY OF THIS ORDER TO FILE AND
PROPERLY SERVE HIS PROPOSED AMENDED COMPLAINT**

Charles H. Ewell (“Ewell”) filed his initial Complaint against the Montgomery County Common Pleas Court on June 28, 2013. (Doc. #1.) On February 6, 2014, the Montgomery County Common Pleas Court sought dismissal of Ewell’s initial Complaint because the Montgomery County Common Pleas Court is not sui juris. (Doc. #8.) On February 13, 2014, Ewell sought to amend his Complaint by naming Montgomery County, Ohio as the Defendant instead of the Montgomery County Common Pleas Court. (Doc. #9.) The time has run and there have been no responses filed to either Montgomery County Common Pleas Court’s Motion To Dismiss or to Ewell’s Motion for Leave To File Amended Complaint. Both are, therefore, ripe for decision.

Leave to file an amended complaint is to be freely given when justice so requires. Fed. R. Civ. P. 15(a)(2). In this case, there is no good reason for not permitting Ewell to amend his

Complaint at this stage of the proceedings and amendment is not opposed. Therefore, Ewell's Motion for Leave To File Amended Complaint (doc. #9) is granted. Ewell has until not later than fifteen (15) days following entry of this order to file and properly serve the proposed amended complaint that is attached to his Motion. Finally, because the proposed amended complaint no longer names the Montgomery County Common Pleas Court as the Defendant, the Montgomery County Common Pleas Court's Motion To Dismiss (doc. #8) is moot.

DONE and **ORDERED** in Dayton, Ohio this Eleventh Day of March, 2014.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT

JUDGE

Copies furnished to:

Counsel of Record